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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CLARENCE BURDAN,

12 Petitioner,

No. CIV. S-05-0047-FCD-EFB P

13 vs.

14 D.L. RUNNELS, et al.,

15 Respondents.

ORDER

16 _____/
17 Petitioner, a state prisoner proceeding through counsel, has filed this application for a
18 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On November 25, 2008, the magistrate judge filed findings and recommendations herein
21 which were served on all parties and which contained notice to all parties that any objections to
22 the findings and recommendations were to be filed within fourteen days. Respondents filed
23 objections to the findings and recommendations.


24 Subsequently, on February 20, 2009, respondents filed a notice of release on parole,
25 noting that petitioner was released on parole on January 5, 2009, following his successful state
26 habeas petition. The court allowed the parties to submit supplemental briefing on the effect, if

1 any, of the petitioner's release on the findings and recommendations issued on November 25,
2 2008. Respondents argued that the petition was moot in light of petitioner's release. On April
3 20, 2009, petitioner filed a statement of non-opposition, providing that he did object to the
4 dismissal of the petition for writ of habeas corpus, filed January 10, 2005.

5 Accordingly, IT IS HEREBY ORDERED that petitioner's application for a writ of
6 habeas corpus is dismissed. The Clerk of Court is directed to close this file.

7 DATED: April 23, 2009.

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FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE